

SECTIONAL ANALYSIS

SHORT TITLE

Section 1 provides that the Act may be cited as the Hawaii Omnibus Act.

PRINTING OUTSIDE UNITED STATES

Section 2 would amend the law which authorizes the Secretary of State, notwithstanding the limitations contained in an 1895 statute, to provide for printing and binding outside the "continental United States" (5 U.S.C., sec. 170g). To remove ambiguity, such phrase would be amended to refer instead to the "States of the United States and the District of Columbia". The 1895 statute (44 U.S.C., sec. 111), requires, with exceptions not now pertinent, that printing for the United States Government be done at the Government Printing Office.

SUGAR ACT

Section 3 amends each section of the Sugar Act containing a reference to "the Territory of Hawaii" by deleting the words "the Territory of". The section would effect no substantive change in the Act. The sections of the Sugar Act which would be amended are codified at 7 U.S.C., sections 1101(j), 1113, 1115(a), 1119(a), 1119(c), 1137.

SOIL BANK ACT

Section 4 would amend section 113 of the Soil Bank Act (7 U.S.C., sec. 1837), so that henceforth the States of Hawaii and Alaska would be accorded the treatment received by other States under the Conservation Reserve Program. Section 5 of the Alaska Omnibus Act perpetuated the special treatment which Alaska had received as a Territory, so that under the terms of that section, the program applied to the State of Alaska (and to the Territory of Hawaii), only if the Secretary of Agriculture determined that the national interest required it. Section 4 of the Hawaii Omnibus legislation proposes to treat both Alaska and Hawaii in the same manner as the other States, and the application of the program to those areas would not be dependent upon a determination by the Secretary of Agriculture.

ARMED FORCES

Section 5 would provide perfecting amendments to Title 10 of the United States Code. Subsection (a) amends the definition of

the term "Territory" to delete the existing reference to Hawaii. Subsection (b) would amend two definitions in Article 2 of the Uniform Code of Military Justice to delete references to "the main group of the Hawaiian Islands". Such references are unnecessary with Hawaii's admission, because Hawaii is now a part of the United States. Subsection (c) strikes the special and now unnecessary reference to Hawaii in a section which comprehends all of the States. Subsection (d) deletes authority by which sea transportation may be made available to "Officers and employees of the Territory of Hawaii".

#### HOME LOAN BANK BOARD

Section 6 would provide perfecting amendments to two statutes administered by the Federal Home Loan Bank Board. The Federal Home Loan Bank Act and the Home Owners' Loan Act of 1933 would each be amended by striking references to Hawaii as a Territory. The sections to be amended are codified at 12 U.S.C., sections 1422(3) and 1466, respectively.

#### NATIONAL HOUSING ACT

Section 7 provides perfecting amendments to certain sections of the National Housing Act. The sections, which are codified at 12 U.S.C., sections 1706d, 1707(d), 1713(a)(7), 1736(d), 1747 1(q), and 1748(g), would all be amended to remove superfluous references to Hawaii.

#### SECURITIES AND EXCHANGE COMMISSION

Section 8 provides amendments to certain statutes administered by the Securities and Exchange Commission. The amendments are perfecting only, merely removing unnecessary references to Hawaii in definitions of the term "State", except for the amendment to section 6(a)(1) of the Investment Company Act of 1940. Such amendment relates to the provision in the Investment Company Act which provides an exemption from the provisions of the Act to companies organized under the laws of the territories or possessions which confine offerings of their securities to residents of such territories or possessions. The effect of the amendment would be to remove Hawaii from the areas (all of which are territories or possessions) to which the special exemption applies, and to accord to Hawaii the same treatment as the other States receive. The sections to be amended are codified at 15 U.S.C., sections 77 b(6), 78 c (a)(16), 80a-2(a)(37), 80a-6(a)(1), and 80 b-2 (a)(18).

#### SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

Subsection (a) of section 9 would amend the section of the Soil Conservation and Domestic Allotment Act, codified at 16 U.S.C.,

section 590 h(b), which relates to the Secretary of Agriculture's utilization of elected county committees in administering the Act. In the Territory of Hawaii, county committees have been appointed rather than elected. The amendment would have the effect of extending to Hawaii the same elected committee system as applies elsewhere in the States. Alaska is excepted from the proposed new language in light of the provision contained in section 13(a) of the Alaska Omnibus Act, which was enacted in recognition of the fact that fewer committees are required in Alaska than elsewhere in the States because of Alaska's relatively small soil conservation program.

Subsection (b) would provide an amendment to section 17(a) of the Soil Conservation and Domestic Allotment Act (16 U.S.C., sec. 590q(a)), to remove superfluous references to the Territory of Hawaii.

#### WATER STORAGE AND UTILIZATION

Section 10 amends the law by which the Federal Government assists the States and territories in providing facilities for water storage and utilization. The amendment is perfecting only, merely reflecting the new status of both Alaska and Hawaii. The section to be amended is codified at 16 U.S.C., section 590r.

#### WILDLIFE RESTORATION

Section 11 provides a perfecting amendment to section 2 of the Wildlife Restoration Act (16 U.S.C., sec. 669a), to remove the definition of the term "State". The term is defined by existing law to include the States and the Territory of Hawaii.

#### FISHERY RESOURCES

Section 12 contains perfecting amendments to the statute, codified at 16 U.S.C., sections 758-758d, which authorizes the Secretary of the Interior to undertake exploration, investigation, development, and maintenance projects for fishery resources in the Pacific. Inappropriate references to the "Territory" of Hawaii would be deleted or modified by the amendments.

#### FISH RESTORATION

Section 13 provides a perfecting amendment to section 2(d) of the Fish Restoration Act (16 U.S.C., sec. 777a(d)), to remove the definition of the term "State". The term is defined by existing law to include the States and the Territory of Hawaii.

#### CRIMINAL CODE

Subsection (a) of section 14 amends the definition of the term

"United States" for purposes of provisions of the Criminal Code relating to narcotics by deleting superfluous references to the Territories of Alaska and Hawaii.

Subsections (b) and (c) amend the Federal Youth Corrections Act and a 1958 statute (18 U.S.C., secs. 4208, 4209), relating to parole to make them applicable in the United States District Court for the District of Hawaii, which court came into being upon the admission of Hawaii. The same laws were extended to Alaska by subsections (a) and (b) of section 17 of the Alaska Omnibus Act, but because the District Court for the District of Alaska was not then established, it was necessary to defer the effective date of the extension. The Alaska District Court is not yet established. The deferral contained in section 17(c) of the Alaska Omnibus Act is therefore preserved by subsection (d) of this section.

#### EDUCATION

##### Defense Education Act

Subsection (a) of section 15 of the bill amends section 103(a), paragraphs (2) and (3) of section 302(a), and section 1008 of the National Defense Education Act of 1958 (20 U.S.C., secs. 403, 442, 588), so as to eliminate the special treatment of Hawaii. The amendments to paragraphs (2) and (3) of section 302(a) would provide for treating Hawaii the same as the States in the continental United States so that the per capita income of each State would be compared with the per capita income of the continental United States and Hawaii for purposes of determining the allocation of funds to the States for acquisition of math, science, or modern foreign language equipment. The amendments to sections 103(a) and 1008 would put Hawaii on the same basis as the other States for purposes of allocations to Hawaii of funds for the acquisition of such equipment, funds for State programs of expansion or improvement of public school supervisory services in mathematics, science, or modern foreign language, and funds for counseling and guidance testing programs.

These amendments would, under section 50 of the bill, be effective in the case of allotments for acquisition of equipment based on allotment ratios which are promulgated after Hawaii was admitted into the Union as a State. They would be effective in the case of allotments for State programs of expansion or improvement of supervisory services, or for counseling and guidance and testing programs, for fiscal years beginning after Hawaii was admitted.

##### Vocational Education

Subsection (b) of section 15 would repeal section 4 of the

Act of March 10, 1924 (20 U.S.C., sec. 29), which extended the benefits of the Smith-Hughes vocational education law to Hawaii. With the advent of Statehood, Hawaii would be entitled to those benefits anyway. Such section 4 also authorized a separate appropriation of \$30,000 annually for this purpose.

Subsection (b) would, in addition, amend sections 2 and 4 of the Smith-Hughes vocational education law (20 U.S.C., secs. 12, 14). These sections provide for allotments to the States for salaries of teachers and supervisors of agricultural subjects and for teacher-training in agriculture, trades and industries, and home economics, respectively. Both sections include separate appropriations for a \$10,000 minimum allotment provided for the States. The amounts appropriated for the purpose of paying these minimums (\$27,000 and \$98,500, respectively) would be insufficient to provide the minimums for Hawaii as well as the other States, and hence they would be increased by the bill to \$28,500 and \$105,200, respectively.

These amendments would be applicable for fiscal years beginning after Hawaii was admitted into the Union as a State.

Subsection (b) also amends the Vocational Education Act of 1946 to eliminate from the definitions of "State" and "States and Territories" the specific mention of Hawaii (20 U.S.C., secs. 15i, 15jj, and 15 ggg). These are purely technical amendments having no substantive effect.

#### School Construction Assistance in Federally-Affected Areas

Subsection (c) of section 15 of the bill amends paragraph (13) of section 15 of Public Law 815 (81st Congress), as amended (20 U.S.C., sec. 645), which defines the term "State". The amendment would eliminate the specific reference to Hawaii. This is a purely technical amendment.

#### School Operation Assistance in Federally-Affected Areas

Subsection (d) of section 15 of the bill amends section 3(d) of Public Law 874 (81st Congress), as amended (20 U.S.C., sec. 238). This section of the law sets forth the method of determining the local contribution rate used in computing the amount of the payments to local school districts on account of Federally-connected children attending their schools. The determination of the rate for the Territories and possessions, including Hawaii, and for States with substantial unorganized territory for which a State agency is

the local educational agency is, however, separately provided for, with the Commissioner of Education authorized to make the determination consistently with the policies and principles provided for the determination of the rate in the case of school districts in other States.

The amendments to this section of the law would eliminate the specific mention of Hawaii as one of the "States" to which the special provision applies, but would make the special provision applicable also to any State in which there is only one local educational agency. This would include Hawaii at present. These amendments would also specifically include Hawaii along with the continental United States for purposes of determining the average per pupil expenditure therein, which is used, in turn, in determining the minimum local contribution rate.

These amendments would be applicable for fiscal years beginning after Hawaii was admitted into the Union as a State.

This subsection also amends paragraph (8) of section 9 of Public Law 874 (20 U.S.C., sec. 244), which defines the term "State". The amendment would eliminate the specific reference to Hawaii. This is a purely technical amendment.

#### IMPORTATION OF MILK AND CREAM

The Act of February 15, 1927, as amended by the Alaska Omnibus Act, now applies to importation of milk and cream into the continental United States, including Alaska. Section 16 of the bill would, effective on the date of Hawaii's admission into the Union as a State, make this law applicable also to importation of milk and cream into Hawaii. The section to be amended is codified at 21 U.S.C., section 149(b).

#### OPIUM POPPY CONTROL

Section 17 would provide a perfecting amendment to section 12 of the Opium Poppy Control Act of 1942 (21 U.S.C., sec. 188k). It would strike a superfluous reference to the Territory of Hawaii.

#### MUTUAL SECURITY ACT

Section 18 adds a new subsection to section 545 of the Mutual Security Act of 1954 (22 U.S.C., sec. 1751) to provide a definition of the term "continental United States". The term would be defined to include both Hawaii and Alaska.

#### HIGHWAYS

Section 19 provides amendments to the highway laws. Subsection (a) amends the definition of the term "State" to reflect

Hawaii's admission. Subsection (b) repeals two subsections applicable solely to Hawaii which provide, first, that the system of highways on which funds are to be expended in Hawaii shall be agreed upon by the Secretary of Commerce and the Governor of the Territory; and secondly, that the Secretary is to give preference in Hawaii to projects which will expedite the completion of highways for the national defense or which will connect seaports with units of national parks.

#### INTERNAL REVENUE

Section 20 contains amendments to the Internal Revenue Code of 1954. All, except for that contained in subsection (a), are perfecting in nature, merely removing references to Hawaii which are now superfluous. Subsection (a) relates to the definition of the term "continental United States" for purposes of the transportation tax. As originally enacted, the term was defined to mean "the existing 48 States and the District of Columbia". Both Alaska and Hawaii were excluded under that definition, and consequently a partial exemption from the transportation tax applied to travel to and from those two areas. Alaska's exclusion from "the continental United States," notwithstanding Statehood, was preserved by section 22(b) of the Alaska Omnibus Act, which amended the definition to mean "the District of Columbia and the States other than Alaska". Subsection (a) of this section would preserve the same status for Hawaii, and the arguments for maintaining the existing exemption, which were accepted by the Congress in connection with the Alaska Omnibus legislation, are equally compelling in the case of Hawaii.

The Treasury Department considers that it would be contrary to the intent of the Congress, as expressed in 1956, to remove this partial exemption. The exemption was inserted in the law in 1956 in recognition of the fact that Hawaii is far removed from the States and that transportation between the States and Hawaii involves travel over the high seas. When the exemption amendment was considered in the Senate in 1956, the possible effect of future Statehood was discussed in a memorandum submitted by Senator Morse (Cong. Rec., March 29, 1956, p. 5212). His statement asserted that Statehood should not change the exemption. On this basis, together with the legislative history of the Alaska Omnibus Act, the Treasury Department considers that the partial exemption continues, notwithstanding Hawaii's admission to the Union. Enactment of subsection (a) would confirm that conclusion.

#### JUDICIARY

Subsection (a) of section 21 contains amendments to a section of the Judicial Code and to a 1950 statute (48 U.S.C., sec. 644a),

both of which relate to the special jurisdiction of the United States District Court for the District of Hawaii with respect to cases arising on particular Pacific islands. The amendment would strike the reference to Kure Island in each statute, inasmuch as Kure is a part of the State of Hawaii and therefore need not be and should not be specified in the law. Kure, then referred to as Ocean Island, was a part of the official list of the Hawaiian Islands compiled at the time of annexation (S. Doc. 16, 55th Cong., 3d Sess., 1898), and it was included in the islands admitted as the new State (see section 2 of the Hawaiian Statehood Act).

Subsections (b) through (e) would amend certain sections of the Judicial Code to remove provisions applicable solely to Hawaii. The language to be struck was derived from section 86 of the Hawaiian Organic Act, which provided that the United States attorney (then district attorney) and the marshal for Hawaii must be citizens of Hawaii and residents thereof for three years preceding appointment, and that they would hold office for six years. The effect of the amendments is to remove special requirements for appointment to the positions of United States attorney and marshal in Hawaii, and to provide the same four-year tenure as applies elsewhere in the United States.

#### VOCATIONAL REHABILITATION

Subsection (a) of section 22 of the bill amends section 11(g) of the Vocational Rehabilitation Act (29 U.S.C., sec. 41). This section of the Act defines the term "State". The amendment would eliminate the specific reference to Hawaii. This is a purely technical amendment.

Subsection (b) of this section of the bill amends subsections (h) and (i) of section 11 of the Vocational Rehabilitation Act. These subsections define the terms "allotment percentage" and "Federal share". The amendments would eliminate the special provisions under which the allotment percentage for Hawaii is set at 50 per cent and the Federal share at 60 per cent, and would provide for the determination of these to be made in accordance with the relative per capita income of Hawaii, as is done in the case of other States. The amendments would also provide that in determining the allotment percentages and Federal shares for the States, the relative per capita income of each State will be compared with the per capita income of the continental United States (including Alaska) and Hawaii.

These amendments would be effective in the case of allotment percentages and Federal shares promulgated after August 21, 1959. (The present promulgation will be effective until July 1, 1961.)



#### LABOR

Section 23 would provide perfecting amendments to three statutes administered by the Labor Department: the Act establishing the United States Employment Service, the Fair Labor Standards Act, and the Welfare and Pension Plans Disclosure Act. The sections to be amended are codified at 29 U.S.C., sections 49b(b), 213(f), and 302(a)(9), respectively. Subsections (a) and (b) delete obsolete references to Alaska and Hawaii, while subsection (c), which amends a law enacted after the Alaska Statehood Act, strikes a reference to Hawaii only.

#### NATIONAL GUARD

Section 24 would strike a reference to Hawaii in the definition of the term "Territory" for purposes of Title 32, United States Code, relating to the National Guard.

#### WATER POLLUTION CONTROL ACT

Subsection (a) of section 25 of the bill amends section 5(h) of the Federal Water Pollution Control Act (33 U.S.C., sec. 466d). This section defines the term "Federal share" which is used for determining the portion of the cost of the water pollution control program in each State which will be borne by the Federal Government. The amendments would eliminate the special treatment of Hawaii so that Hawaii would have its Federal share determined, as in the case of the other States, on the basis of its relative per capita income and so that, in determining the Federal shares for the States, the per capita income of each State would be compared with the per capita income of the continental United States (including Alaska) and Hawaii.

These amendments would be effective for promulgations of the Federal shares made after Hawaii is admitted.

Subsection (b) of this section of the bill amends section 11(d) of the Federal Water Pollution Control Act (33 U.S.C., sec. 466j), which defines State, to eliminate the special mention of Hawaii. This is a purely technical amendment.

#### VETERANS' ADMINISTRATION

Subsection (a) of section 26 would amend the law which relates to the authority of the Administrator of Veterans' Affairs to provide hospital care and medical services abroad. The amendment would not change the law, but would merely recognize Hawaii's admission to the Union.

Subsection (b) relates to the authority of the Veterans'

Administration under section 903(b) of Title 38 (Public Law 85-857), to transport the bodies of veterans who have died in VA facilities. Existing law, as amended by the Alaska Omnibus Act, provides that (a) when a death occurs in the continental United States (including Alaska), transportation may be provided "to the place of burial in the United States (including Alaska)"; and (b) when a death occurs in a Territory, Commonwealth, or possession, transportation may be provided to the place of burial within such Territory, Commonwealth, or possession. Under existing law therefore, no explicit provision is included for the transportation of deceased veterans from Hawaii to the other States. Similarly, there is no explicit provision for the transportation of deceased veterans from the other States to Hawaii. Moreover, doubt exists whether authority now exists to transport bodies within Hawaii. Subsection (b) of the proposed bill would confer these three powers on the Administrator, and in so doing would remove the statutory distinctions between Hawaii and the other States.

Subsection (c) is a perfecting amendment only, to remove an unnecessary reference to Hawaii in the definition of the term "State".

#### DAVIS-BACON ACT

Section 27 strikes out superfluous references to the Territories of Alaska and Hawaii in the Davis-Bacon Act (40 U.S.C., sec. 276a), which relates to wage rates on certain public projects.

#### FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT

Section 28 provides perfecting amendments to the Federal Property and Administrative Services Act of 1949, as amended. By removing references to the continental United States, the first three would have the effect of providing the same treatment for Hawaii as the other States receive. The fourth removes an unnecessary reference to Hawaii in the definition of the term "State". The sections to be amended are codified, respectively, at 40 U.S.C., sections 472(f), 491(j), 514(c), and 522(a).

#### BUY AMERICAN ACT

Section 29 amends the Buy American Act to remove Hawaii from the definition of the terms "public use", "public building", and "public work". The act will continue to apply to Federal activities in Hawaii, but will not apply to acquisitions by the State of Hawaii. The section to be amended is codified at 41 U.S.C., section 10c(b). A similar amendment in the case of Alaska is contained in section 43 of the Alaska Omnibus Act.

PUBLIC HEALTH SERVICE ACT

Subsection (a) of section 30 of the bill amends section 2(f) of the Public Health Service Act (42 U.S.C., sec. 201), which defines the term "State" for purposes of the Act. This is a purely technical amendment eliminating the specific inclusion of Hawaii as a State.

Subsection (b) amends section 331 of the Public Health Service Act (42 U.S.C., sec. 255), which relates to treatment of persons afflicted with leprosy. Generally, all such persons are treated at the Carville, Louisiana, Leprosarium. However, provision is made for payments from Public Health Service appropriations to Hawaii (when authorized by the appropriations) to enable the latter to provide such care at its own facilities. Subsection (b) of the bill would continue this special provision and merely makes technical amendments to section 331.

Subsection (c) amends section 361 of the Public Health Service Act (42 U.S.C., sec. 264), relating to apprehension and detention of individuals with communicable disease who may be coming into one of the States or a possession from a foreign country, Hawaii, or a possession. The amendment would make this inapplicable to persons coming from Hawaii, thereby equating Hawaii to the other States in so far as the foreign quarantine provisions are concerned.

Subsection (d) amends section 631(a) of the Public Health Service Act (42 U.S.C., sec. 291i). This section describes the method of determining allotment percentages which are used in the allocation of the appropriations for hospital and medical service facilities construction under title VI of the Public Health Service Act. They are also used in connection with determining the Federal share of the cost of construction. The amendments would eliminate the special treatment for Hawaii so that it would have its percentage based, as in the case of the other States, on its relative per capita income. The amendments would also provide that in determining the allotment percentages of the States, the per capita income of each State will be compared with the per capita income of the continental United States (including Alaska) and Hawaii. The Federal share of Hawaii would also be determined in the manner provided for the other States.

These amendments would be applicable in the case of promulgations of allotment percentages and Federal shares made after Hawaii's admission into the Union as a State.

This subsection also amends section 631(d) of the Public Health Service Act, which defines the term "State", to eliminate the specific reference to Hawaii. This is a purely technical amendment.

SOCIAL SECURITY ACT

Subsection (a) of section 31 of the bill amends section 1101 (a)(8) of the Social Security Act (42 U.S.C., sec. 1301). This section defines the term "Federal percentage" which is used in determining the portion of the expenditures in each State for old-age assistance, aid to dependent children, aid to the blind, or aid to the permanently and totally disabled which will be borne by the Federal Government. The amendments would eliminate the special treatment for Hawaii so that it would have the determination of its Federal percentage made, as in the case of the other States, on the basis of its relative per capita income and so that, in determining the Federal percentages for the States, the per capita income of each State would be compared with the per capita income of the continental United States and Hawaii.

The amendments to section 1101(a)(8) of the Social Security Act, basing its Federal percentage on its relative per capita income, would be effective for calendar quarters which begin on or after the date of Hawaii's admission into the Union as a State. The others would be effective for promulgations of the Federal percentages made after Hawaii's admission into the Union as a State.

Subsection (b) amends section 524 of the Social Security Act (42 U.S.C. sec. 724). This section defines the terms "allotment percentage" and "Federal share" for purposes of determining the allocation of the appropriations for child welfare services under part 3 of title V of the Social Security Act among the States and the portion of the expenditures for this purpose in each State which will be borne by the Federal Government.

The amendments would provide for treating Hawaii the same as the States in the continental United States so that the per capita income of each State would be compared with the per capita income of the United States (including Alaska) and Hawaii for purposes of determining the Federal percentages and Federal shares for the States.

The amendments made by this subsection of the bill would be effective for promulgations of allotment percentages and Federal shares made after Hawaii was admitted into the Union as a State.

Subsection (c) of this section of the bill amends the last sentence of section 202(i) of the Social Security Act (42 U.S.C., sec. 402). This section of the Act provides for lump-sum payments in certain cases of death of an individual insured under the old-age, survivors, and disability insurance program. The application for such payments must be filed within two years of the date of death, except that, in the case of the death outside the 49 States and the District of Columbia of a member of the Armed Forces (including com-

missioned officers of the Public Health Service and the Coast and Geodetic Survey) who is "returned" to any of the 49 States, the District, or any United States Territory or possession for interment or reinterment, the two-year period begins with such interment or reinterment. This special treatment would no longer be provided in case of deaths in Hawaii. It should be noted that the two years may be extended for as much as an additional two years if good cause for the failure to file within the initial two-year period is shown.

These amendments would be effective in the case of deaths occurring on or after the date of Hawaii's admission into the Union as a State.

This subsection of the bill also amends subsections (h) and (i) of section 210 of the Social Security Act (42 U.S.C., sec. 410), which define "State" and "United States" for purposes of the old-age, survivors, and disability insurance program. These are purely technical amendments eliminating the specific inclusion of Hawaii in these terms.

Subsection (d) of section 106 of the bill amends paragraphs (1) and (2) of section 1101(a) of the Social Security Act (42 U.S.C., sec. 1301), which define "State" and "United States" for purposes of the Act. These are also purely technical amendments eliminating the specific inclusion of Hawaii in these terms.

Subsection (e) contains technical amendments to section 218 of the Social Security Act (42 U.S.C., sec. 418), relating to voluntary agreements for coverage of State and local employees. The amendments would remove references to Hawaii as a Territory.

Subsection (f) removes superfluous references to Alaska and Hawaii in a definition of the term "State" (42 U.S.C., sec. 1361(a)).

#### SMALL RECLAMATION PROJECTS

Section 32 would extend to Hawaii the provisions of the Small Reclamation Projects Act of 1956 (43 U.S.C., sec. 422a et seq.). The Act now provides Federal assistance for the development of small projects in the seventeen western reclamation States, and it appears that conditions in Hawaii are such that a considerable portion of its irrigation potential could be developed through projects within the scope of the small projects program. In general a small project, for purposes of the Act, is a project the cost of which does not exceed \$5,000,000. A project the estimated cost of which is between \$5,000,000 and \$10,000,000 may also qualify, however, under certain circumstances.

### CONGRESSIONAL RECORD

Section 33 amends the law relating to the gratuitous distribution of copies of the Congressional Record. Existing law provides that the governors of the States shall receive one copy in both daily and bound form, while the governors of the territories receive five in both daily and bound form. The amendment would strike the reference to Hawaii in the latter provision so that the Governor of the new State would be accorded the treatment of a State governor rather than a territorial governor. The section to be amended is codified at 44 U.S.C., section 183.

### FEDERAL REGISTER

Section 34 amends the Federal Register Act so that henceforth publication in the Federal Register of notice of hearing will be regarded as notice to persons residing in Hawaii, just as it is regarded as notice to persons residing in all other States. Under circumstances described in the statute, such publication is, under existing law, adequate with respect to residents of the continental United States, including Alaska. The amendment would extend the provision to Hawaii as well. The section to be amended is codified at 44 U.S.C., section 308.

### RAILROADS

Section 35(a) lists certain laws which would be made inapplicable to railroads operating in Hawaii. The section corresponds to section 39(a), which relieves the Interstate Commerce Commission of certain of its jurisdiction with respect to such railroads. Paragraphs (1) through (6) relate to safety appliance laws, and such laws are codified at 45 U.S.C., sections 1-7 (paragraph (1)); sections 8-10 (paragraph (2)); sections 11-16 (paragraph (3)); sections 17-21 (paragraph (4)); sections 22-29 and 31-34 (paragraph (5)); and sections 38-43 (paragraph (6)). Paragraphs (7) and (8) relate to hours of service, which laws are codified at 45 U.S.C., sections 61 through 66. The last paragraph of the subsection provides that the State of Hawaii may regulate the matters covered by the foregoing Federal statutes.

Subsection (b) refers to the Railroad Retirement Act of 1937 (45 U.S.C., sec. 228a et seq.), and to the Railroad Unemployment Insurance Act (45 U.S.C., sec. 351 et seq.), both of which would remain applicable to railroads in Hawaii under the amendment carried in section 39(a) of the bill. The amendments contained in subsection (b) are prefecting only, relating to definitions of "State" and "United States" appearing in the Acts to be amended.

#### HOME PORTS OF VESSELS

Section 36 would amend the law (46 U.S.C., sec. 18), which requires "every vessel of the United States" to have a home port in the United States, Alaska, Hawaii, or Puerto Rico. The amendment would strike unnecessary references to Alaska and Hawaii.

#### MERCHANT MARINE ACT, 1936

Section 37 amends three sections of the Merchant Marine Act, 1936 in order to include shipyards in Hawaii and Alaska among shipyards in which construction and repair work can be carried on for vessels covered by construction and operating subsidies awarded under that Act. The sections to be amended are codified at 46 U.S.C., sections 1155(a), 1176, and 1192, respectively.

#### COMMUNICATIONS ACT

Section 38 would amend the definition of the term "continental United States" for purposes of section 222 of the Federal Communications Act of 1934 (47 U.S.C., sec. 222), to preserve, at least for the immediate future, Hawaii's exclusion from the definition. As will appear below, further consideration by the Federal Communications Commission may at a later date indicate that other or different amendments are desirable.

Hawaii has historically been regarded as outside the United States for purposes of the transmission of telegraph messages. Section 222 of the Federal Communications Act, which deals with consolidations and mergers of telegraph carriers, recognized this fact by excluding Hawaii from "domestic telegraph operations" for purposes of that section. This exclusion was apparently based on geographical considerations, rather than on considerations of political status, as evidenced by the fact that Alaska (which at the time of enactment of section 222 in 1943 occupied the same political status as Hawaii), was placed within the continental United States and thus included within domestic telegraphs operations. The proposed amendment would preserve Hawaii's exclusion from the continental United States for purposes of section 222. It would, additionally, confirm current practices under which telegraph messages between the mainland and Hawaii are "international telegraph operations" on international frequencies and under an international rate structure.

The amendment to section 222 is necessary now to maintain the status quo, inasmuch as without such an amendment, it could reasonably be argued that Hawaii has, with its admission, become a part of "domestic telegraph operations" for purposes of the section. It may later develop, however, that different amendments may prove more suitable. The Federal Communications Commission has instituted

an inquiry (Docket No. 13188, In the Matter of Amendment of the Communications Act of 1934, as amended, relating to telegraph service with Hawaii), the purpose of which is to enable the Commission to receive from interested parties their views as to what changes in the Communications Act, if any, the Commission should recommend to the Congress. Before making a determination as to what changes it recommends, other than the foregoing which would merely preserve current arrangements, the Federal Communications Commission will require more time to complete its inquiry.

#### INTERSTATE COMMERCE COMMISSION

Section 39 contains amendments to Parts I through IV of the Interstate Commerce Act, which parts deal respectively with railroad and pipeline carriers, motor carriers, water carriers, and freight forwarders. The sections of the Act to be amended are codified at 49 U.S.C., sections 1(2), 304(a)(4a), 903(f), and 1002(a)(7), respectively. The Interstate Commerce Commission considers that Hawaiian railroads (of which there are only two, both narrow gauge, and both of which perform very limited service), and Hawaiian motor carriers and freight forwarders, should be exempt from regulation under the Interstate Commerce Act. This view results from the isolated position of Hawaii, from the fact that transportation within Hawaii is local in character and for very short distances, and from the fact that the foregoing carriers do not have through routes or joint rates with carriers operating in other States. Motor carriers and freight forwarders were exempt from ICC regulation when Hawaii was a Territory, and the peculiarities of Hawaii's geographical situation indicate that the exemption should be perpetuated, notwithstanding Statehood. Although the ICC had jurisdiction over railroads within the Territory of Hawaii, it in fact exercised virtually no authority over them, and the ICC considers that it need not have any jurisdiction under Part I of the Interstate Commerce Act over railroads operating in the State of Hawaii. Subsection (c), which relates to water transportation, would also effect no change in the law. It would expressly deprive the ICC of jurisdiction over water transportation between ports of Hawaii and ports of other States, but in so doing it would in effect merely confirm that such jurisdiction is in the Federal Maritime Board pursuant to section 18 of the Hawaii Statehood Act.

#### AIRCRAFT LOAN GUARANTEES

Section 40 would provide a perfecting amendment to the 1957 statute (set out as a note following 49 U.S.C., sec. 1324), which authorizes loans for the purchase of aircraft and equipment. The amendment removes a reference to the "Territory" of Hawaii.



### REAL PROPERTY TRANSACTIONS

Section 41 amends the statute which requires the Director of the Office of Civil and Defense Mobilization to come into agreement with the Armed Services Committees of the Congress with respect to certain real property transactions. The amendment would in effect remove a superfluous reference to Hawaii. The section to be amended is codified at 50 U.S.C., section 2285(c).

### SELECTIVE SERVICE

Section 42 would remove an unnecessary reference to Hawaii in the section of the Universal Military Training and Service Act which defines the term "United States" (50 U.S.C., app., sec. 466(b)). The amendment is perfecting only.

### REPORTS ON FEDERAL LAND USE

Section 43 would implement section 5(e) of the Hawaiian Statehood Act, which requires each Federal agency to report within five years following Hawaii's admission to the Union on certain Federal land or property in Hawaii over which it has control. The report must state "the facts regarding the agency's ...continued need for such land or property", and if the President decides that it is no longer needed by the United States, it must be conveyed to the State. The amendment carried in section 43 would require the President to prescribe uniform procedures governing the agency reports. Unless such procedures are prescribed, agency reports can be expected to differ materially in nature and extent, and they may lack sufficient coordination with other agencies.

### HAWAIIAN HOMES COMMISSION LANDS

Section 44 would correct a possible defect in the conveyance of lands to Hawaii under the Statehood Act. Section 5(b) conveys to the new State, with exceptions not now pertinent, all public lands ceded and transferred by the Republic of Hawaii to the United States at the time of annexation. The definition of the lands conveyed by that section, however, contained in section 5(g), differs from the definition of the lands which could, as a matter of law, comprise lands made available to the Hawaiian Homes Commission (see 48 U.S.C., secs. 692(a)(2), 663(3), 697). The "available lands" for Hawaiian Homes Commission purposes may not, in fact, include lands that were not ceded land, but in order to establish with certainty that all "available lands" have been transferred to Hawaii, the further phrase proposed to be added by section 44 is necessary.

#### LEASE BY UNITED STATES OF PUBLIC PROPERTY OF HAWAII

Section 45 relates to section 91 of the Hawaiian Organic Act (48 U.S.C., sec. 511), under which the public property of the Republic of Hawaii which had been ceded to the United States at the time of annexation was placed in the possession, use, and control of the Territory until taken for the uses and purposes of the United States. If so taken, but if not used for public purposes, the section further provided that any rent or consideration received by the United States from such lands, if leased, rented, or granted upon revocable permit to private parties, would be covered into the treasury of the Territory. Section 45 would provide that during the five-year period immediately following Hawaii's admission, any such rentals or other consideration would continue to be paid to the Treasury of Hawaii. The five-year term was selected because by the end of that period, Federal agencies will have assessed their need for retaining all such property, and that which is no longer required by the United States will be conveyed to the State.

#### TRANSFER OF RECORDS

Section 46(a) provides for the transfer to the State of official records, noncurrent as well as current, accumulated in connection with functions which have been assumed by the State. Certain court records, for example, created by courts and court officers established by the Organic Act, might have the status of Federal records, yet their successor State courts and officers can be expected to have a continuing need for such records. The definition of the term "records" is similar to that contained in the Federal Records Act of 1950 (44 U.S.C., sec. 401), which in turn relates to that contained in the 1943 statute (44 U.S.C., sec. 366) which is cited.

Subsection (b) relates to books and other materials, principally legal reference materials, which have been made available to Territorial courts and agencies to enable them better to perform functions conferred upon them by the Hawaiian Organic Act and related statutes. The authority contained in the subsection does not relate to materials loaned temporarily to Territorial courts, libraries, or agencies.

#### USE OF GSA SERVICES OR FACILITIES

Section 47 would permit the State of Hawaii to use services or facilities of the General Services Administration, upon payment of compensation therefor, for an interim period ending June 30, 1962. Under this provision the State of Hawaii could make purchases through the General Services Administration, as the Territory was enabled to do under a provision contained in annual

Interior Department Appropriation Acts. It could also utilize space in five Federal properties in Hawaii under the control of the General Services Administration. Portions of these properties have been in use by the Territory of Hawaii, and their continued availability to the new State for a brief interim period is necessary for an orderly transition to Statehood. The five properties consist of the Post Office, Court House, and Custom House in Honolulu, the Post Office, Court House, and Custom House in Hilo, a quarantine station in Honolulu, the Post Office in Lihue, and a Post Office site in Wailuku.

#### PURCHASES OF TYPEWRITERS

Section 48 amends a paragraph of the current Independent Offices Appropriation Act (P.L. 86-255), which prohibits the use of funds "within the continental limits of the United States" for the purchase of typewriters unless the purchase conforms to regulations issued under the Federal Property and Administrative Services Act. The amendment would have the effect of placing Hawaii (and Alaska) within the continental limits of the United States for this purpose. The language to be amended is contained in the paragraph headed "General Provisions" under the portion of Title I which is devoted to the General Services Administration (73 Stat. 500, 507).

#### FEDERAL MARITIME BOARD

Section 49 corrects a typographical error in section 18(a) of the Hawaii Statehood Act which, as enacted, provides that nothing contained in the Act shall be construed "is conferring" certain jurisdiction on the Interstate Commerce Commission.

#### EFFECTIVE DATES

The provisions of section 50 of the bill, which contains the effective dates for the various amendments included in the earlier sections, have been discussed for the most part in the above discussion of the amendments.

#### ADMINISTRATION OF PALMYRA, MIDWAY, AND WAKE

Section 51 confers upon such officers and agencies as the President designates all executive and legislative authority necessary for discharging the responsibilities of civil government on Palmyra, Midway, and Wake. The first sentence of the section is similar to the authority already conferred by the Congress in the case of American Samoa (48 U.S.C., sec. 1431a(c)) and the Trust Territory of the Pacific Islands (68 Stat. 330). The section confers more limited judicial authority, however, inasmuch as the Act of June 15, 1950 (48 U.S.C., sec. 644a), as amended by the Hawaiian Statehood Act, already confers certain jurisdiction over

civil and criminal cases arising on such islands to the Federal District Court in Hawaii. Under the terms of existing law, Federal admiralty law applies to such cases. Under the provisions of the proposed section 51, judicial authority, other than that contained in the 1950 Act, is also conferred. Under the authority contained in the section, those charged with the administration of the islands in question could create local courts and could vest in them jurisdiction over matters not covered by the 1950 statute, such as automobile traffic offenses.

The second sentence of the section authorizes the person designated by the President to administer Palmyra to place additional jurisdiction, functions, and duties in the District Court of Hawaii. Prior to Statehood, Palmyra was a part of the Territory of Hawaii, and Hawaiian laws thus applied to it. These included the Territory's land registration laws, a matter of significance in the case of Palmyra in light of the litigation which has arisen on this subject (see United States v. Fullard-Leo, 331 U.S. 256 (1947)). It is therefore likely that the agency charged with Palmyra's administration, now the Interior Department, will wish to arrange for a land registration system for the island, and use of the District Court of Hawaii for this purpose would seem appropriate. Given the virtually uninhabited nature of Palmyra, it would be unwise for the administrator to create a local court solely for the purpose of providing a land registration system. The authority contained in the last sentence is not restricted to land registration, for it may develop that the services of the District Court will be required in other matters as well, but it currently appears that land registration may be the only subject involved.

#### OTHER SUBJECTS

Section 52 is designed to avoid any inference, from the inclusion of amendments to certain statutes and the omission of amendments to others, that it is intended to affect the applicability in or to Hawaii of statutes not so amended.

#### SEPARABILITY

Section 53 provides a separability clause.